

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

**JAMES C. GILLAM
d/b/a Gillam Railroad Services**

PLAINTIFF

VS.

NO. 4:09cv00718 JMM

**UNION PACIFIC RAILROAD
COMPANY**

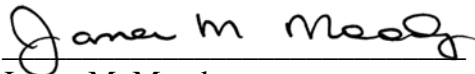
DEFENDANT

ORDER

Plaintiff has filed a Motion to Dismiss Claims Without Prejudice. The Court finds that Plaintiffs' motion (Docket # 10) should be, and hereby is, GRANTED. The Court notes that Plaintiff's right to re-file the case against the Defendant is subject to the provisions of Rule 41(d) of the Federal Rules of Civil Procedure. Under Rule 41(d), the Plaintiff may be ordered to pay any costs of this action which the Court deems appropriate if Plaintiff re-files the action against the Defendant.

The Motion to Dismiss Claims Without Prejudice (Docket # 10) is GRANTED. The Clerk is directed to close the case.

IT IS SO ORDERED this 30th day of August, 2010.



James M. Moody
United States District Judge